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WESTFIELD WASHINGTON TOWNSHIP

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BOARD OF ZONING APPEALS

5

MEETING ON OCTOBER 13, 2015

6

ONLY REGARDING ITEM 1510-SE-03

7

16414 TOWNE ROAD SPECIAL EXCEPTION

8

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10

Mr. Brian J. Zaiger

11

KRIEG DEVAULT

12

12800 N. Meridian Street, Suite 300

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Carmel, IN 46032

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(317) 566-1110

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Transcribed on December 2, 2015

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20

Glenda S. Ferguson

21

WORDQUE CAPTIONING AND TRANSCRIPTION

22

5282 East 156th Street

23

Noblesville, IN 46062

24

(317) 846-0900

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1           KEVIN TODD: The next item before you this  
2 evening is a special exception request for  
3 approval of a new Wireless Communication Facility  
4 located at 16414 Towne Road.

5           The proposed tower would be one hundred and  
6 sixty-eight feet in height and include ancillary  
7 equipment buildings and perimeter fencing and  
8 landscape screening.

9           The tower would be over two hundred feet  
10 from any property line, as proposed, and would be  
11 approximately four hundred and seventy-five feet  
12 from the nearest structure, which is the existing  
13 residential structure on the parent parcel.

14           This item is scheduled for a public hearing  
15 this evening and, and was advertised as such.

16           The Petitioner is here, represented by  
17 Mr. Matt Price, and, and I believe would like to  
18 make a brief presentation.

19           Following his comments, I'm available for  
20 any questions that you may have. Thank you.

21           MARTIN RAINES: Thank you, Staff.

22           Okay, Petitioner, come up and talk to us,  
23 please.

24           MATT PRICE: Mr. President, members of the  
25 board, my name is Matt Price. I'm an attorney

1 with Bingham Greenebaum Doll in Indianapolis with  
2 an address of 10 West Market Street.

3 With me tonight on behalf of Crown Castle is  
4 the Project Manager, Tom Crow(phonetic), who is  
5 in the blue sport coat there. And then to his  
6 right is my land use specialist, Greg  
7 Ewing(phonetic).

8 We've been before the board a few times over  
9 the last year relative to similar wireless  
10 communications facilities requests.

11 As Kevin mentioned, this is a facility  
12 located north of 161st Street along Towne Road.

13 It's for a hundred-and-sixty-eight-foot  
14 monopole, which is the cylindrical-type tower, as  
15 opposed to a lattice tower or one that has any  
16 kind of guy wires associated with it.

17 It's a hundred and sixty feet, plus the  
18 eight-foot lightning rod, which is where we get  
19 the hundred and sixty-eight feet.

20 It would be engineered to accommodate one  
21 planned carrier at this time, plus up to three  
22 additional carriers.

23 The one planned carrier is for Verizon  
24 Wireless. And then, it would be available to  
25 other carriers, like AT&T, T-Mobile, Sprint,

1           other competitors.

2           One of the objectives under the UDO is to  
3           establish infrastructure at appropriate locations  
4           in a manner that can be shared, so as to minimize  
5           the overall number of wireless facilities across  
6           the jurisdiction.

7           This particular facility is located in the  
8           AG-SF1 District classification, which makes it a  
9           permitted use in that district as a special  
10          exception.

11          So, upon finding that we meet the objective  
12          requirements for a special exception, then the  
13          applicant is entitled to that zoning approval.

14          We are not seeking any variances. So, we  
15          meet all of the development standards, as far as  
16          setbacks and other development standards  
17          associated with a proposal of this nature.

18          Unlike the previous matter, this facility  
19          would generate no noise, generates no odor.

20          It's a relatively innocuous use, in the  
21          sense that it's only visited intermittently by  
22          maintenance personnel for the individual  
23          carriers.

24          That's approximately once a month. So, it  
25          generates very little traffic.

1           As far as the physical location, the  
2           property is a leased parcel. It's a hundred by  
3           hundred foot leased parcel, which is kind of  
4           typical for this type of an installation.

5           It's on a larger parent tract, though, that  
6           is thirty-four acres. And because it's located  
7           on a larger parent tract, it is well removed from  
8           any surrounding residential uses, or really any  
9           associated land uses.

10          It's over two hundred feet from Towne Road,  
11          two hundred feet from the south property line,  
12          over nine hundred feet to the north property  
13          line, and to the, let's see, and, and then eleven  
14          hundred feet to the west.

15          So, substantially well-removed from  
16          surrounding uses. By our calculation, it's  
17          approximately two thousand feet from the nearest  
18          residence that's not our own landlord's property.

19          We believe it meets the requirements for a  
20          special exception under the UDO. It does not  
21          affect property values. It does not affect the  
22          orderly development of surrounding properties.

23          And we can provide additional information  
24          relative to each one of those findings. As I  
25          indicated, it produces no objectionable odor.

1           It doesn't overburden infrastructure. The  
2           property is equipped with relevant or appropriate  
3           utilities for this use.

4           And it will actually contribute to the  
5           overall benefit to the community by enhancing  
6           communications for both commerce, convenience of  
7           individuals traveling in and around the vicinity,  
8           as well as for Enhanced 911 coverage, thereby  
9           contributing to local public safety.

10          For all of those reasons, we would  
11          respectfully request approval of our special  
12          exception tonight.

13          We're available -- Tom, Greg and I are  
14          available to answer any questions that you may  
15          have. We appreciate your time this evening.  
16          Thank you.

17          MARTIN RAINES: Okay. Thank you, sir.

18          All right. Questions or comments from the  
19          board for the Petitioner?

20          (There is no audible response from any of  
21          the board members.)

22          MARTIN RAINES: If not, this item requires a  
23          public hearing. I will open the public hearing  
24          at 8:28.

25          (Mr. Raines then raps the gavel to open the

1 public hearing.)

2 MARTIN RAINES: Staff, do we have any cards?

3 KEVIN TODD: We do. We have several.

4 MARTIN RAINES: Okay.

5 KEVIN TODD: Ginny Kelleher.

6 GINNY KELLEHER: (inaudible). (Laughs.) My  
7 name is Ginny Kelleher.

8 STAFF: Let me swear you before you start.

9 GINNY KELLEHER: I'm sorry.

10 STAFF: (inaudible).

11 (Ginny Kelleher is then sworn in.)

12 MARTIN RAINES: (Clears throat.)

13 GINNY KELLEHER: My name is Ginny Kelleher,  
14 and I live at 3920 West 166th Street in  
15 Westfield. I've lived here for twenty years.

16 I do not live next to this. So, this is not  
17 an in-my-backyard thing. I'm here because I have  
18 concerns about this project.

19 We all want better cell service, and I  
20 understand there needs to be infrastructure. I  
21 think where it's placed is important.

22 We went through something similar to this  
23 with 161st and Springmill, where we thought there  
24 needed to be a grocery store on the west side of  
25 town.

1           But 161st and Springmill probably wasn't it.  
2           It should have been a mile and a half north.

3           I believe that the location is inappropriate  
4           for, and would be detrimental to, the successful  
5           development of Westfield's Comprehensive Plan and  
6           what they -- (clears throat), excuse me --  
7           envision for this area.

8           Perception, which Staff mentioned, is an  
9           important component of market value. And this  
10          tower will compromise the success of the new  
11          subdivision, Bent Creek, which the Petitioner  
12          failed to, to mention. It is --

13          Can I, I can just hand these out. There is,  
14          there is a plat thing of Bent Creek, and it's  
15          just to the south property line. It's going to  
16          be --

17          UNIDENTIFIED MALE SPEAKER: (inaudible), can  
18          you pull that microphone down?

19          GINNY KELLEHER: Okay. Yeah.

20          Bent Creek is just to the south of the  
21          property line. It is approved; it is platted.

22          It is on the Plan Commission Agenda for a  
23          residential subdivision. And this tower is going  
24          to be, I think, two hundred feet from it.

25          So, for them to say it's not near any other



1 residential, residential structure, I think is in  
2 error, because there is a platted subdivision  
3 there.

4 And I have, have concerns with the fact that  
5 it's a new subdivision, that this may affect its  
6 marketing. And that's Attachment One.

7 I think that this will be injurious to the  
8 use and enjoyment of neighboring properties, and  
9 it will not be harmonious or appropriate in  
10 appearance in this conservation area.

11 I don't know if you know this, but there is  
12 currently a special study going on with three  
13 City Council members and this area about rural  
14 subdivisions, conservation subdivisions and  
15 conservation areas.

16 And a cell tower is not something that  
17 probably is appropriate in this area.

18 I also want to say that I, I thought about  
19 coming in and say just landscaping it more. But  
20 you can't very effectively landscape a  
21 hundred-and-sixty-eight-foot tower that's sitting  
22 in the middle of a flat bean field. You just  
23 can't.

24 STAFF: You have about thirty seconds.

25 GINNY KELLEHER: Pardon me?

1           STAFF: About thirty seconds.

2           GINNY KELLEHER: Okay.

3           This petition doesn't meet the requirements  
4 of the UDO. And I have questions about the fact  
5 that, have they exhausted all efforts to locate  
6 the proposed facilities on existing structures?

7           Have they done so? And if so, have they  
8 demonstrated that?

9           There is a water tower just to the north.  
10 There is a woods to the north that belongs to the  
11 people who own this property. It could be  
12 placed, potentially, in that woods.

13           And do we need another wireless? Is there a  
14 master plan? This is a picture of, from the web  
15 site of this company, of a tower in an area  
16 that's woods.

17           And this is a picture of something they did  
18 in Arizona, where the neighbors were concerned  
19 about things, so they even put in false cactuses  
20 in order to (inaudible) transportation  
21 (inaudible).

22           So, in summary, I would ask that you deny  
23 this petition. There are other places that they  
24 can go, even on this existing piece of property.

25           They could go into the woods just to the

1 north of the home, instead of into this bean  
2 field in the south that will face a new  
3 residential subdivision.

4 MARTIN RAINES: Thank you.

5 RON ROTHROCK: I have a question. Is that a  
6 hundred and sixty-eight foot cactus?

7 GINNY KELLEHER: No. No, that is, that  
8 is -- they did a different type of system in  
9 that.

10 RON ROTHROCK: Oh, okay.

11 GINNY KELLEHER: It's called a, it's a  
12 different type of wireless system.

13 RON ROTHROCK: Okay.

14 GINNY KELLEHER: And it probably isn't  
15 appropriate here, but this company does have the  
16 ability to do a better job.

17 RON ROTHROCK: Okay.

18 MARTIN RAINES: Okay, thank you.

19 All right. Next card, please.

20 KEVIN TODD: Tracy Pielemeier.

21 (Tracy Pielemeier is then sworn in.)

22 TRACY PIELEMEIER: My name is Tracy  
23 Pielemeier. I live at 16101 Little Eagle Creek  
24 Avenue, about one mile directly west of that  
25 proposed site in the ever-desirable southwest

1 quadrant of Westfield.

2 I want to mention that I was at the meeting  
3 where you approved the cell tower at 146th and  
4 Oak Ridge. I drive there every day in a school  
5 bus.

6 And I agreed with that placement. It was  
7 where there was already existing utility  
8 placement and next to a busy road.

9 And although it was a really big tower, it's  
10 in an area that was already being utilized for  
11 utilities, not directly in the site line for  
12 homes. So, I'm not against cell towers.

13 As I was perusing the cell tower map of  
14 Westfield, I can see that in this area, in the  
15 general area, there is a need for a tower. I get  
16 that.

17 My first choice would have been on the  
18 existing water tower that Ginny mentioned, which  
19 is directly north on the same landowner's  
20 property, or immediately adjacent to it, so you  
21 could share the same road access and fencing  
22 that's already in place.

23 If that option isn't available, then I would  
24 suggest on the farmland between 166th and 169th  
25 east of Eagletown and west of Ditch, where there

1           are no private landowners. It's just farmland  
2           right there.

3           There is already a utility substation on  
4           Ditch Road just south of 169th. That way the  
5           access to this facility could be off 166th or  
6           Ditch, instead of Towne, which is supposed to be  
7           the main artery.

8           The tower itself would not be an obtrusive,  
9           unmistakable, ugly signpost on the main  
10          thoroughfare of west Westfield, which is Towne  
11          Road.

12          I get connectivity and technology. I text,  
13          facebook, tweet, Instagram. I have three kids,  
14          two businesses, five e-mail addresses and two web  
15          sites. I manage most of that using my magic  
16          telephone.

17          I know we need connectivity. I'm good with  
18          that.

19          I've also developed a great appreciation for  
20          zoning. I first recognized that on a visit to  
21          Hilton Head, where I, I was astonished that they  
22          managed to keep the island stylish and peaceful,  
23          with strict regulations on business placement,  
24          parking, parking and signage controls.

25          And I remember thinking, if they can do it

1           here, we can do it in Westfield.

2           These choices have to be made consistently  
3           and with determination to pay off. Preserving  
4           the nicest area your city has to offer is worth  
5           the work.

6           So, I, I would request that you would deny  
7           this petition and ask them to look in areas that  
8           aren't just the most beautiful quadrant of  
9           Westfield, but are still in that regional area  
10          where they need connectivity.

11          MARTIN RAINES: Okay. Thank you.

12          TRACY PIELEMEIER: Thank you.

13          MARTIN RAINES: All right.

14          KEVIN TODD: Kristen Burkman.

15          (Kristen Burkman is then sworn in.)

16          KRISTEN BURKMAN: Good evening, gentlemen.  
17          My name is Kristen Burkman, and I live about a  
18          mile east of this proposed cellphone tower.

19          We -- Ginny mentioned this, but this area is  
20          actually currently being studied by three council  
21          members, a township member, a member of the  
22          Advisory Plan Commission to be an area of  
23          conservation and preservation, because it is such  
24          a beautiful area of Westfield.

25          The proposed cellphone tower area will be

1 not really in keeping with that type of vision  
2 for the community and for that area.

3 And what we would ask is that the Petitioner  
4 find a different mechanism for this. It's a very  
5 tall tower.

6 I also have a question in regards to, will  
7 it have lights on it, because it is so close in  
8 proximity to the airport that is on 32.

9 And we also would like to mention that there  
10 are a lot of cellphone towers in the area kind of  
11 popping up, especially the newest one at Shamrock  
12 Springs Elementary, which is just a couple miles  
13 east of this.

14 So, we have a question about the proximity  
15 of those two towers being so close. And would  
16 there be a better placement on the west side, as  
17 Tracy mentioned, in a more covered area?

18 Or could they use a different mechanism,  
19 that Ginny shared, as far as something on the  
20 water tower or closer to those utilities?

21 So, those are questions for the Petitioners  
22 tonight. Thank you for your time.

23 MARTIN RAINES: Thank you.

24 KEVIN TODD: The last card I have at the  
25 moment, Suzy DuBois. Did I say that right?

1 SUZY DUBOIS: (No audible response.)

2 KEVIN TODD: Okay.

3 (Suzy DuBois is then sworn in.)

4 SUZY DUBOIS: Hi, my name is Suzy DuBois. I  
5 live at 1719 West 161st Street.

6 And my comment is just very simple. I'm a  
7 Verizon Wireless client, and live in very close  
8 proximity to this, and have no issues whatsoever  
9 with my cellphone coverage or 911 usage.

10 MARTIN RAINES: Thank you.

11 Any more cards?

12 KEVIN TODD: Not at this time.

13 MARTIN RAINES: Anyone else like to speak  
14 for or against?

15 (There is no audible response from anyone in  
16 the audience.)

17 MARTIN RAINES: If not, I'm going to close  
18 the public hearing at 8:38.

19 UNIDENTIFIED MALE SPEAKER: (inaudible).

20 UNIDENTIFIED FEMALE SPEAKER: (inaudible).

21 MARTIN RAINES: Oh.

22 UNIDENTIFIED MALE SPEAKER: (inaudible).

23 KEVIN TODD: That's all right. Yeah, sure.

24 MARTIN RAINES: Come on up.

25 KEVIN TODD: Come on.



1 MARTIN RAINES: Yeah.

2 JOHN DUBOIS: I'm sorry.

3 MARTIN RAINES: That's okay. I always give  
4 that, I always give that option. So --

5 (John DuBois is then sworn in.)

6 JOHN DUBOIS: John DuBois, 1719 West 161st  
7 Street.

8 My only comment is, I know there have been a  
9 lot of suggestions about the existing water tower  
10 that's somewhat close.

11 I find it, when coming to these meetings, so  
12 difficult when only specific items are discussed  
13 or actually brought to your attention and  
14 otherwise not been plainly identified, unless  
15 asked.

16 So, the question about a water tower, is  
17 there the ability to put additional cell units on  
18 these water towers?

19 Right down the road, as well, right across  
20 from Shamrock Springs, I think, in one of the  
21 discussions that was had with the, the other, was  
22 it 146th and --

23 UNIDENTIFIED FEMALE SPEAKER: It's at  
24 (inaudible).

25 JOHN DUBOIS: No, the other, the other one.

1 UNIDENTIFIED FEMALE SPEAKER: Oh, 146th and  
2 Oak Ridge.

3 JOHN DUBOIS: Yeah. The question came in  
4 about, can you hang another unit on some of those  
5 water towers? And they said, "No, they are  
6 totally full."

7 So, I just want to make sure that the  
8 comment isn't made, "Oh, well, we can't put them  
9 on a water tower."

10 Similar to, to the comment of, "Well, there  
11 isn't going to be a home for two thousand feet,"  
12 with full knowledge that there will be homes very  
13 much close, closer than, than that.

14 So, I just want to make sure that there is  
15 full disclosure here, and that a flippant comment  
16 is just made to then have a situation that came  
17 up with the hour-and-a-half presentation earlier  
18 where there wasn't full disclosure. There wasn't  
19 specificity to the, to the request.

20 And then we find ourselves down the road  
21 finding out that, oh, by the way, we could have  
22 looked at this, or we could have done that.

23 So, I just want to hope that we all consider  
24 those things. Thank you.

25 MARTIN RAINES: Okay. Thank you, sir.

1 Any other requests?

2 (There is no audible response from anyone in  
3 the audience.)

4 MARTIN RAINES: If not, forever hold your  
5 peace. I'm going to close it at 8:40.

6 (Mr. Raines then raps the gavel to close the  
7 public hearing.)

8 MARTIN RAINES: Okay. Petitioner, or board,  
9 do you have any questions or comments? And also,  
10 the Petitioner has a chance to probably --

11 Rather than, you know what I'm going to ask  
12 you. So, you might as well just come up here.  
13 It's about the existing water tower.

14 We do this -- every time you're in here, we  
15 ask about existing structures, and so on and so  
16 forth.

17 So, (inaudible) mentioned the water tower,  
18 and I'm going to let you deal with that. So --

19 MATT PRICE: Mr. President, thank you, yes.

20 There is a couple of different water towers  
21 that we should mention. One is to the north of  
22 our site. It's, it's got a Citizens Water decal  
23 on it.

24 The problem with that facility is, is that  
25 it's about seventy feet in height. It's shrouded

1 in trees.

2 When you're even standing right next to our  
3 site, you cannot even visibly see it. You have  
4 to get into a kind of a unique orientation even  
5 to see it.

6 There is another water tower, which is  
7 across the street from Shamrock Springs, which is  
8 a taller water tower.

9 It is fully housed with wireless  
10 communications facilities, and has been, really,  
11 since the deployment of this technology in the  
12 Westfield community over the last twenty years.

13 And the, and the fact is, is that the  
14 carriers have done an excellent job, really, in  
15 response to Westfield's zoning ordinance in  
16 locating on those existing tall structures  
17 wherever possible.

18 As the one remonstrator mentioned, there are  
19 not existing wireless communications facilities  
20 within this vicinity.

21 We're a mile and a half away from the  
22 Shamrock Springs location, in an area that --  
23 I'm, I, I'm glad that the one consumer of  
24 Verizon's services is not experiencing trouble.

25 The problem is, is that the carrier, as a

1 whole, does have the need for new infrastructure  
2 in this vicinity.

3 And it is necessary for convenience, for  
4 reliable calls, for not having dropped calls, for  
5 being able to download data, and for emergency  
6 communications.

7 One thing I wanted to note, too, is that of  
8 all of the individuals who received public notice  
9 of this hearing that are in direct proximity to  
10 this proposed location, not one of them spoke in  
11 opposition to this tower.

12 The, the, the first three speakers all live  
13 at least a mile away from this proposed location.  
14 And we think that that speaks to what a strong  
15 location it is.

16 The first remonstrator mentioned defending  
17 the ability of Bent Creek to market their  
18 product.

19 The owner of the Bent Creek Subdivision,  
20 which has been pending before the Plan Commission  
21 for some time now, the owner of that subdivision  
22 is not here tonight speaking in opposition to  
23 this location.

24 If I could ask Mr. Ewing to, to hand out a  
25 couple of exhibits.

1           We, we've had this same exact argument made  
2           against other locations actually in Westfield.

3           And what we've done historically is provide  
4           this kind of chronology for a development that's  
5           at 141st and Towne, which is a similarly-sized  
6           monopole located at that location.

7           UNIDENTIFIED MALE SPEAKER:   Yep.

8           MATT PRICE:   So, it's this, it's this  
9           depiction right here.

10          And what it shows is the evolution of a  
11          piece of property at the southwest corner of  
12          141st and Towne.

13          Beginning in 2000, the tower is in the, kind  
14          of the, the trapezoid-shaped property in the left  
15          center.

16          See that little hatch marked compound area  
17          there.   And you'll see that the surrounding  
18          properties are undeveloped in, in 2000.

19          And then in 2008, you can see that some of  
20          the road infrastructure is coming into place as  
21          that subdivision is being developed.

22          And then in 2011, you can start to see the  
23          first homes coming into place.

24          And then you accelerate all the way to 2015,  
25          and you see that the adjoining properties have

1           developed into a robust subdivision, with home  
2           values that are between three hundred and fifty  
3           and four hundred and fifty thousand dollars at  
4           that particular location.

5           We've demonstrated to this board at other  
6           times over the years that the location of new  
7           wireless communications facilities add to needed  
8           infrastructure to serve the community.

9           They do not impair property values. They do  
10          not impede the development of adjoining  
11          properties.

12          And we think that's precisely why those most  
13          closely affected by this proposal are not here  
14          speaking in opposition to this facility.

15          The next thing I would say, too, is I am  
16          aware that from a comprehensive planning  
17          standpoint there are individuals in the public  
18          who are meeting with elected representatives  
19          about revisiting the Comprehensive Plan for this  
20          general area, which is a matter beyond the scope  
21          of our proposal, and beyond the scope of what's  
22          presently before the Board of Zoning Appeals.

23          The fact is today, the way the law is today  
24          in, in Westfield, we do meet each and every  
25          requirement for a special exception under the

1 existing ordinance, just as other facilities have  
2 sought and obtained approval in the city from  
3 time to time.

4 The first remonstrator mentioned that she  
5 didn't believe that we met the provisions of the  
6 UDO. She didn't state which provisions of the  
7 UDO we didn't meet.

8 The fact is, we meet them all. We meet all  
9 of the development standards. We pose no threat  
10 to adjoining properties.

11 And that's best evidenced by the lack of any  
12 remonstrance from those most closely located to  
13 the, to the proposed facility.

14 And then, I'll just close with a statement  
15 about the last, the last remonstrator's comments.

16 I wholeheartedly agree in transparency and  
17 providing you all with the documentation that you  
18 need to substantiate a decision.

19 And, and we've intended to do just that here  
20 this evening and would be open to providing any  
21 additional documentation that, that you all would  
22 like to see relative to, to our proposal this  
23 evening.

24 But we do believe we've met the legal  
25 standards that are in place today for evaluating



1           these facilities and would respectfully ask for  
2           your approval.

3           MARTIN RAINES:   Okay.   Thank you.

4           RON ROTHROCK:   I have a question, before you  
5           leave?

6           MATT PRICE:    Yeah.

7           MARTIN RAINES:   Yeah, go ahead.

8           RON ROTHROCK:   Is, in your packet --

9           MATT PRICE:    Yeah.

10          RON ROTHROCK:   -- right after the  
11          141st/Towne packet, there were two separate  
12          pages.

13          MATT PRICE:    Yep.

14          RON ROTHROCK:   They aren't labeled, except  
15          for Google Earth.

16          MATT PRICE:    Yep.

17          RON ROTHROCK:   Is this the type of tower  
18          that you are recommending?

19          MATT PRICE:    It's, it's -- our, our tower is  
20          a monopole with the (inaudible) rays that are  
21          kind of a circular type of rays.

22          It's a little bit difficult to tell from  
23          that picture what type of a tower it is.

24          It is the same, in the sense that, like that  
25          facility, ours would be available to multiple

1 carriers, so, you don't have multiple towers  
2 throughout, throughout the area. But it would be  
3 available to share.

4 RON ROTHROCK: So, yeah, it's about the same  
5 thing.

6 MATT PRICE: It, it, it's, it's very  
7 similar.

8 RON ROTHROCK: It's similar. Okay.

9 MATT PRICE: I just didn't -- from an  
10 engineering standpoint, I didn't want to  
11 represent --

12 RON ROTHROCK: No, no, no.

13 MATT PRICE: -- that it's the same type of  
14 tower.

15 RON ROTHROCK: I know we were, we were  
16 talking about the type of tower that was put, and  
17 it was mentioned, the 146th and Oak Ridge.

18 UNIDENTIFIED MALE SPEAKER: Oak Ridge, I'm  
19 sorry.

20 MATT PRICE: At Our Lady of Mount Carmel?

21 RON ROTHROCK: Yes. Yes.

22 MATT PRICE: Right.

23 RON ROTHROCK: That it did not have all of  
24 the stuff hanging out of it. Was that  
25 configuration considered?

1                   And the reason I ask is, it is obviously a  
2                   lot less obtrusive, or obvious, than, than this  
3                   one. I am speaking from ignorance. So, I don't  
4                   know.

5                   MATT PRICE: No. It's a very fair question.  
6                   And I can, I can give a somewhat succinct answer.

7                   It, it was not. What we typically do is,  
8                   where that type of use, and that was a flag pole,  
9                   if you will recall. In fact, we even made a  
10                  commitment --

11                  RON ROTHROCK: Okay, a flag pole.

12                  MATT PRICE: -- to put a flag on it, is  
13                  where that type of design is consistent with the  
14                  underlying land use.

15                  And that, in that case, it was an athletic  
16                  field, or it's immediately adjoining an athletic  
17                  field.

18                  RON ROTHROCK: Um-hum.

19                  MATT PRICE: We felt that it was an  
20                  appropriate design and contributed to a  
21                  stealth-like quality for the facility.

22                  There are significant drawbacks to those  
23                  facilities. Notwithstanding their aesthetic  
24                  benefits, there is drawbacks from a co-location  
25                  standpoint.

1           And what I mean by that is, because  
2           everything is housed inside, it is, it  
3           compromises the ability for that tower to be  
4           shared by any other carrier.

5           And so, it does not have the same capability  
6           of reducing the overall number of towers.

7           In this instance, we're locating in an area  
8           that really is devoid of significant wireless  
9           infrastructure.

10          Most deployments that have taken place so  
11          far have, have occurred on existing water towers.

12          And so, what we're looking to do is optimize  
13          a location that is on a large tract, well removed  
14          from existing residential uses, have no impact on  
15          future development of Bent Creek, in our view,  
16          and will be available for sharing, will be able  
17          to be used by all of the carriers to provide kind  
18          of this initial base infrastructure to serve the  
19          area.

20          RON ROTHROCK: Thank you.

21          UNIDENTIFIED MALE SPEAKER: I believe, I  
22          believe someone was asked about aircraft light.

23          MATT PRICE: Oh. Thank you for reminding  
24          me.

25          No, it is below the threshold to require any

1 type of lighting. And so, it would not be  
2 required to have either a static light or a  
3 blinking light, because it's below the  
4 two-hundred-foot threshold.

5 UNIDENTIFIED MALE SPEAKER: And what is the,  
6 why would the water tower have to have a light,  
7 then? The water tower (inaudible).

8 MARTIN RAINES: Okay. Thank you, sir.

9 RON ROTHROCK: It's just a lot bigger.

10 MATT PRICE: And we can make that, if it, I,  
11 I'd be willing to, we can commit to that, as  
12 well, and make that a condition, should the board  
13 approve --

14 MARTIN RAINES: Okay.

15 MATT PRICE: -- the proposal.

16 MARTIN RAINES: All right. Thank you, sir.  
17 Board, any other questions or comments?

18 (There is no audible response from any of  
19 the board members.)

20 MARTIN RAINES: If not, I would entertain a  
21 motion to approve or deny.

22 UNIDENTIFIED FEMALE SPEAKER: (inaudible).

23 MARTIN RAINES: I, the -- I'm sorry. The  
24 public, the public hearing is closed.

25 RON ROTHROCK: Hang on a second. I'm still

1 reading.

2 MARTIN RAINES: Are you still looking at the  
3 information?

4 RON ROTHROCK: Yeah, I'm still looking.

5 MARTIN RAINES: Take your time.

6 UNIDENTIFIED MALE SPEAKER: Keep in mind,  
7 too, this is a special exception, not a variance.

8 RON ROTHROCK: What's the difference?

9 UNIDENTIFIED MALE SPEAKER: A special  
10 exception is an approved use tagged for special  
11 consideration, depending on where it's  
12 (inaudible) going to be located.

13 RON ROTHROCK: Oh, yeah, I just found that  
14 again.

15 UNIDENTIFIED MALE SPEAKER: There is no,  
16 there is no (inaudible).

17 RON ROTHROCK: I knew it sounded familiar.

18 I will make a motion that we approve the  
19 request, with the recommended, recommended  
20 conditions that as, in the Staff report, there  
21 are two, the height of the tower not exceed a  
22 hundred and sixty-eight feet, including the  
23 lightning rod, and that the landscaping be  
24 similar to Exhibit 4, and would also add number  
25 3, that there would be no lights at the top.

1           MARTIN RAINES: A motion has made to  
2 approve. Do we have a second?

3           (There is no audible response from any of  
4 the board members.)

5           MARTIN RAINES: If not, the motion fails.  
6           Would someone like to make new motion,  
7 please?

8           BILL SANDERS: Motion to deny.

9           MARTIN RAINES: Motion -- you're making a  
10 motion to deny. Okay.

11           A motion is on the table to deny. Do I have  
12 a second?

13           I will second it.

14           Staff, will you do a voice vote, please?

15           KEVIN TODD: Mr. Sanders?

16           BILL SANDERS: Yes to deny.

17           KEVIN TODD: Mr. Schmitz?

18           MR. SCHMITZ: Yes.

19           KEVIN TODD: Mr. Raines?

20           MARTIN RAINES: Yes.

21           KEVIN TODD: Mr. Rothrock?

22           RON ROTHROCK: Yes.

23           KEVIN TODD: Motion carries.

24

25